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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1962

No. 524

IN RE: WARREN J. MOITY,
PETITIONER,

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF LOUISIANA, AND MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI.

WARREN J. MOITY, PETITIONER
APPEARING IN PROPER PERSON
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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1962

IN RE: WARREN J. MOITY,
PETITIONER,

MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI

TO THE HONORABLES, THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

On motion of WARREN J. MOITY, petitioner, in the above numbered cause, and upon suggesting to this Honorable Court, that a leave be granted your petitioner in order that said petitioner shall be able to file his petition for a writ of certiorari with Honorable Court.

WHEREFORE, petitioner prays that this motion for leave to file petition for writ of certiorari be granted and that your petitioner be authorized to file said petition.

WARREN J. MOITY, PETITIONER
MAILING ADDRESS:
ROUTE 2, BOX 296K
NEW IBERIA, LOUISIANA.

ORDER

PREMISES CONSIDERED, let the petition of WARREN J. MOITY, applying for writ of certiorari, be duly filed as prayed for.

Washington, D. C., October ____, 1962.

JUSTICE

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1962

No._____

IN RE: WARREN J. MOITY, APPLICATION FOR RELIEF AGAINST ELECTION FRAUD, COLLUSION BETWEEN PUBLIC OFFICIALS CREATING MISUSE OF PUBLIC MONEY, BRUTALITY OF CITIZENS AND LAWLESSNESS, BY OFFICIALS OF IBERIA PARISH, AS PROVIDED FOR IN THE CONSTITUTION OF THE STATE OF LOUISIANA AND THE UNITED STATES CONSTITUTION.

PETITIONER,

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF LOUISIANA

TO THE HONORABLES, THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

The petition of WARREN J. MOITY, a resident and citizen of the United States of America and of the State of Louisiana, prays for a writ of certiorari issue to review the judgment of the Supreme Court of the State of Louisi-

ana, entered in the above-entitled cause on September 26th, 1962, which is yet unreported.

JURISDICTION

The judgment of the Supreme Court of the State of Louisiana was rendered on September 26th, 1962, (Clerk's certificate attached hereto), and the jurisdiction of this Honorable Court is invoked under 28 U.S.C. Section 1257 (3) and Rule 19 of the United States Supreme Court Part (1-A).

QUESTIONS PRESENTED

(1) Whether the due process and equal protection clauses of the Fourteenth Amendment suffer the state to use its executive and judiciary to prevent citizens and taxpayers from demanding that the elected public officials are chosen by a majority of its duly qualified voters by secret ballot and the right to have that ballot counted honestly and impartially.

(2) Whether or not citizens and taxpayers have a right to demand protection against the collusion between public officials which misuse illegally public money.

(3) Whether or not citizens and taxpayers have a right to demand punishment for public officials and/or employees who beat and commit brutality of citizens without fear of criminal prosecution.

(4) Whether or not citizens and taxpayers have a right to demand protection against open lawlessness with open

knowledge of public officials without fear of prosecution.

(5) Whether or not citizens and taxpayers have a right to demand a public hearing as provided for under Article 7 Section 10 of the Constitution of the State of Louisiana, that is when the local law enforcement, the District Judges, The District Attorney, the Attorney General of the State of Louisiana and all other arms of the law refuse to perform their official duties according to their oaths of office and as required by State Law.

(6) Whether or not citizens and taxpayers have a right to demand exercise of the First Amendment of the United States Constitution which gives freedom of mind the same security as freedom of conscience. Whether or not a State and/or its judiciary has a right to prevent a citizen and taxpayer from redress.

(7) Whether or not citizens and taxpayers have a right to demand the exercise of the Fourteenth Amendment to the U. S. Constitution which provides that no State shall deprive any person of his property, liberty without due process of law.

(8) The right of citizens of the United States to vote as provided by the Fifteenth Amendment to the United States Constitution and to have that vote counted, honestly and correctly.

STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED

1. This case involves Louisiana Constitution, Article 1, Section 1, which states:

"ARTICLE 1 — BILL OF RIGHTS"

"1. All government, of right, originates with the people, is founded on their will alone, and is instituted solely for the good of the whole. Its only legitimate end is to secure justice to all, preserve peace and promote the interest and happiness of the people."

2. That Louisiana Revised Statute 15:17 provides:

"subject to the supervision of the Attorney-General, as hereafter provided, the District Attorney shall have the entire charge and control of every criminal prosecution instituted or pending in any parish (county) wherein he is District Attorney, and shall determine whom, when, and how he shall prosecute; provided that every District Attorney shall have the right to employ or to accept the assistance in the conduct of any criminal cause of such counsel as to him may seem fit.

3. Constitution 1921, Article 7, Section 56, provides that the Attorney General shall exercise supervision over the several District Attorneys throughout the state.

(a) Section 18 provides; that the District Attorney is the representative of the public and the legal adviser of the grand jury. Whenever required by the grand jury, it shall be the duty of the District Attorney of the parish to attend them for the purpose of examining witnesses in their presence or of giving them advise upon any legal matter.

(b) Section 19 provides: that the District Attorney shall be allowed at all times to appear before the grand jury for the purpose of giving any information relative to any matter conizable by them; but no District Attorney or other person shall be present during deliberations of the grand jury on their findings.

(c) Section 20 provides: it shall be unlawful for any District Attorney to defend or assist in the defense of any person charged with crime in any parish of this state.

4. Constitution 1921, Article 7, Section 63. provides that it shall be gross misconduct and a cause for removal from office for any District Attorney or Assistant District Attorney to appear, plead or in any way defend or assist in defending any criminal prosecution, or charge, involving a penalty or punishment for the violation of any law, or ordinance, in the state.

(a) Section 21 pretains that no assistant District Attorney shall do likewise.

(b) Section 23 provides: the Attorney-General and his assistants shall have power and authority to institute and prosecute, or to intervene in any proceedings, civil or criminal, as they may deem necessary for the assertion or protection of the rights and interest of the state; and furthermore, the Attorney-General shall exercise supervision over all the District Attorneys throughout the state and shall represent the state in criminal cases on appeal.

(Constitution 1921, Article 7, Section 56).

"Due process of law and equal protection of law

are had when the laws affects alike all persons similarly situated."

Scott v. City of West Monroe, App. 1957, 95 So.(2d) 343.

"Though a law itself be fair on its face, yet, if it is applied and administered by public authority with an unequal hand so as practically to make unjust and illegal discriminations between persons in similar circumstances material to their rights, the denial of equal justice is within prohibition of this section.

Simmons v. City of Shreveport, 1952, 221 La. 902, 60 So.(2d) 867.

"The right of equal protection of the laws means that every one is entitled to stand before the law on equal terms with, to enjoy the same rights as belong to, and to bear the same burdens as are imposed upon others in a like situation."

Pavel v. Pattison, D.C. 1938, 24 F.Supp. 915;

State v. Chisesi, 1937, 187 La. 675, 175 So. 453;

State v. Thrift Oil & Gas Co., 1926, 162 La. 742, 123 So. 310;

State v. Carter, 1925, 159 La. 121, 105 So. 247;

State, ex rel. Civello, v. City of New Orleans, 1923, 154 La. 271, 97 So. 440, 33 A.L.R. 260.

Vol. 11, American Jurisprudence, 1095:

"A constitutional right is a right guaranteed to the citizens by the Constitution and so guaranteed

as to prevent legislative interference with that right."

Delaney v. Plunkett, 146 Ga. 547, 91 S.E. 561, L.R.A. 1917D, 926, Ann. Cas. 1917 E. 685.

"Thus, the right cannot be imposed on or destroyed under the guise of being regulated."

Tony v. State, 141 Ala. 120, 37 So. 332, 67 L.R.A. 286, 109 Am. St. Rep. 23, 3 Ann. Cas. 319;

People v. Victor, 287 Mich. 506, 283 Nev. 666, 124 A.L.R. 316.

Vol. 11, American Jurisprudence, Pocket 1093, Note 6, the Court said:

"And it is the duty of the courts to be vigilant and vigorous in protecting individuals as well as minority and majority groups against encroachment upon their fundamental liberties which are more consequential than any object to be attained by business or professional regulations."

Porterfield, 28 Cal. (2d) 91, 168 P. (2d) 706, 167 A.L.R. 675, P. 193, N. 7;

State, ex rel. Ricco v. Biggs, 198 or 413, 255 P. (2d) 1055, 38 A.L.R. (2d) 720, P. 193, N. 8.

Vol. 11, American Jurisprudence, Pocket 1097:

"The First Amendment gives freedom of mind the same security as freedom of conscience. The grievances for the redress of which the right of

petition and assembly is insured under the First Amendment of the United States Constitution are not solely religious or political ones, but include economic grievances. 2051.

"Every constitutional right or privilege must be enjoyed with such limitations as are necessary to make its enjoyment by each consistent with like enjoyment by all, for the right of all is superior to the right of any one."

Porter v. Rich, 70 Conn. 235, 39 A. 169, 39 L.R.A. 353.

Vol. 11, American Jurisprudence, 1121, Section 326:

"In most of the state constitutions there are provisions varying slightly in terms, which stipulate that justice shall be administered to all without delay or denial, without sale or prejudice, and that the courts shall always be open to all alike."

Brotherhood of R. Trainmen v. Barnhill, 214 Ala. 565, 108 So. 456, 47 A.L.R. 270.

These provisions are based largely upon the Magna Charta, Chapter 40, which provides:

"We will sell to no man, we will not deny to any man, either justice or right."

Henderson v. State, 137 Ind. 552, 36 N.E. 257, 24 L.R.A. 469.

The chief purpose of the Magna Charta provision was to probit the King from selling justice by imposing fees on litigants through his courts.

Lee, 64 Okla. 310, 168 P., 53 L.R.A. 1918B, 144.

Further, it is said:

"A constitutional provision guaranteeing to residents of the state the right to resort to the courts on equal terms with others."

STATEMENT OF THE CASE

Petitioner shows this Honorable Court it is impossible to demand justice and criminal prosecution of persons violating the laws because, that as of and up to February 17th, 1956, J. Nic Derouen was the duly elected Sheriff of Iberia Parish, and a bona fide candidate for re-election. Gerard H. Wattigny, also known as Gerry, Jerry, and Gerald H. Wattigny, was a candidate for the office of Sheriff of Iberia Parish, Louisiana, also during the Democratic Primary election at this same time. That Knowles M. Tucker was the Assistant District Attorney, now District Attorney, who was then serving under the late L. O. Pecot, who was District Attorney at that time, but who lived in Franklin, Louisiana, outside the Parish of Iberia. That J. Nic Derouen permitted certain possible illegal acts to take place and feared the District Attorney and his Assistant, Knowles M. Tucker, who had knoweldge thereof. That J. Nic Derouen was propositioned, induced and/or made to accept a letter dated February 17th, 1956, signed by Candidate for Sheriff, G. Gerry Wattigny, which letter gave J. Nic Derouen the sum of $500.00 per month as a Deputy Sheriff when the said Wattigny would take over as Sheriff of Iberia Parish, which would be automatic with

the withdrawal of J. Nic Derouen as a candidate for said office, it being understood that no duties would be required. (See exhibit one and two attached hereto and made a part hereof for purpose of identification)

That as a result of said transaction, J. Nic Derouen and several other citizens including your petitioner tried to file criminal charges against Sheriff Gerry Wattigny and Knowles M. Tucker but all judges refused to accept said criminal charges stating that it was "too hot to handle." That petitioner exhausted every avenue available for filing criminal charges but to no avail. The above actions being in violation of Louisiana Revised Statutes 14:352 Bribery of withdrawn candidates and also was charged with violation of Article 740-26 of the Louisiana Criminal Code, Criminal Conspiracy. That after every effort failed in Iberia Parish and the 16th Judicial District, two attorneys and a group of citizens went to Baton Rouge, Louisiana, and met the Louisiana Attorney General Jack P. F. Gremillion, who advised them the District Attorney Knowles Tucker had been to see him and had admitted this had taken place along with Sheriff Gerard H. Wattigny, but he would not supersede Tucker in Iberia Parish in order that the ends of justice could be served because of politics. Not getting any results, the citizens committee and the attorneys, along with your petitioner returned to New Iberia and after continuous demands upon the Clerk of Court, the four affidavits were filed in the office of the Iberia Parish Clerk of Court as shown by certificate signed by S. J. Segura, Deputy Clerk of Court, Iberia Parish, dated the 22nd day of December, 1959, which is a part of exhibit number 3, attached hereto and made a part hereof.

That another citizen also presented new copies of said charges to the Honorable Ward L. Tilly, Judge, New Iberia City Court, who refused to accept the charges as showed by exhibit number four which is attached hereto and made a part hereof. That also of public record under entry number 8224 which is of record in miscellaneous book 9 at folio number 254 is a letter given by Jerry Wattigny offering and did give to Gus Touchet, $75.00 per month in exchange for his political support, all in violation of Louisiana Law. A photostat of said letter being marked exhibit 5 for the purpose of identification, and is made a part hereof.

That conditions got so bad that 52 citizens and taxpayers and your petitioner once again employed an attorney who called upon the Louisiana Attorney General, the Honorable Jack P. F. Gremillion once more and presented him with a petition to file impeachment proceedings against Sheriff Wattigny as provided for in Louisiana Constitution, Article IX. Section 1 which only requires twenty-five signatures. Again, the Louisiana Attorney-General refused. A copy of said petition marked exhibit number 6 for the purpose of identification which is attached hereto and made a part hereof.

That certain deputy sheriffs under Sheriff Gerard H. Wattigny signed bogus and/or fake charges accusing various citizens of criminal violation, with the full knowledge of Wattigny and Tucker, charging citizens with committing the crime of bribery of voters as defined in R.S. 14:119 of the Louisiana Revised Statutes, knowing at the time that such charges were filed on manufactured or false information. That these citizens were forced to stand

trial, and that at least two of them were convicted. That the prosecuting witnesses later confessed that they were paid to give said false testimony. That the prosecuting witnesses were colored people whose Constitutional rights are ignored and who feared the Sheriff and his deputies and the District Attorney, Knowles M. Tucker. That the charges and affidavits from the prosecuting witnesses are attached hereto and made a part hereof, marked exhibit 7 for the purpose of identification.

That the then Vice-President of the Iberia Parish Police Jury, Louis Walet, was coming outside of the rear of the Iberia Parish Court House when he was openly attacked by a deputy sheriff, Doris Bourque, while armed deputies openly ordered Walet to submit to the brutal attack upon his person by Deputy Bourque, until a group of citizens came to the aid of Walet. That though the District Attorney and the Sheriff were present when this took place, the Sheriff and District Attorney refused to charge and prosecute Deputy Sheriff Doris Bourque but instead bragged about the acts of violence committed by Bourque upon Walet. That the affidavits of citizens are attached hereto and made a part hereof, marked exhibit 8 for the purpose of identification.

That since taking office as Sheriff of Iberia Parish, Louisiana, Sheriff Wattigny has allowed lawlessness to take place to the extent that he allows his son to cause personal injury to citizens of Iberia Parish, Louisiana, without fear of prosecution. That the affidavit of T. A. Gaines, Jr., father of one of the families injured is attached hereto and made a part hereof marked exhibit 9 for the purpose of identification.

That the District Attorney, Knowles M. Tucker, while drunk ran into a telephone post on Center Street in New Iberia, Louisiana, causing serious property damage without fear of prosecution. That the New Iberia City Police was called upon the scene but the Chief of police ordered the officer not to take any further action. A copy of pictures of said wreck and affidavit of witness, marked exhibit 10 for the purpose of identification is made a part hereof.

That the father-in-law of the District Attorney, William C. Segura, Sr., was charged by officer Lawless Dore of the New Iberia City Police Department on the 27th day of October, 1961, with reckless driving but the District Attorney never prosecuted said charge. That a photostat of said charge is attached hereto and made a part hereof.

That various white and colored citizens were horribly beaten up by deputy sheriffs under Gerard H. Wattigny and that though Wattigny had knowledge thereof the sheriff failed to assist these poor citizens. A copy of affidavits marked exhibit number 12 for the purpose of identification is attached hereto and made a part hereof for the purpose of identification.

That one poor colored man, Ernest Rankin was beaten up so badly by deputy sheriffs and because Wattigny feared that this man would inform the Federal authorities, and because Rankin refused to give Wattigny the false statement which Wattigny ordered Rankin to give him, Rankin was sent to the East Louisiana State Mental Hospital at Jackson, Louisiana. A copy of correspondence in this con-

nection is attached hereto and made a part hereof marked exhibit 13 for the purpose of identification.

That numerous trips were made to New Orleans, Louisiana in an effort to gather unfavorable false statements against your petitioner by Sheriff Gerard H. Wattigny and District Attorney Knowles M. Tucker because of the firm stand which your petitioner has taken to aid in correcting lawlessness in Iberia Parish (county). That a copy of statements of Florence Marie Sedotal Emmer clearly shows to what extent the Sheriff and District Attorney would go to discredit and hurt any citizen who dares choose to demand honest law enforcement. That the statements marked exhibit 14 for the purpose of identification are attached hereto and made a part hereof.

That wide open prostitution and gambling are openly permitted even as of this date, in violation of Louisiana Law, without fear of prosecution, with the full knowledge of the Sheriff and District Attorney. That the statements of Carol Lomenta McKenzie and Jeanne Lastrapes Gerrace, and the copies of letters to the Louisiana Attorney General are all attached hereto and made a part hereof marked exhibit 15 and 16 for the purpose of identification herein.

That a raid which was meaningless was pulled and a large number of prostitutes' pictures were placed on the front page of the Daily Iberian, a local newspaper, which caused such an uproar that the Disabled American Veterans passed Resolution No. 1 CENSURING the local newspaper for its coverage of the raid.. That no serious penalties resulted therefrom. The Adjutant of the Disabled American Veterans J. S. Valenti is also a Captain of the

New Iberia Police Department. A copy of said resolution is attached hereto and made a part hereof marked exhibit 18 for the purpose of identification.

That conditions got so bad that one of the Sheriff's own deputies, Roy Freyou, found it necessary to meet with your petitioner and gave petitioner an affidavit showing malfeasance in office, public bribery, misuse of public funds, kickbacks, brutality of citizens, and just about every law violation possible. A copy of said affidavit is attached hereto and made a part hereof marked exhibit 19 for the purpose of identification.

That the public payrolls of the Iberia Parish Sheriff's office for the last several years clearly show the public waste, mismanagement and useless increase in public spending by Iberia Parish Sheriff Gerard Wattigny, which firmly backs up the statement of Deputy Roy Freyou and others. A copy is attached hereto and made a part hereof marked exhibit 20 for the purpose of identification.

That the Sheriff of Iberia Parish, Gerard H. Wattigny, and District Attorney Knowles M. Tucker are constantly violating the law without fear of criminal prosecution. That numerous citizens have tried to bring these matters before a Grand Jury but the District Attorney Knowles M. Tucker personally refused to allow the jury to consider the charges and information which was to be presented before the Grand Jury, all in violation of Article 7 Sections 28 and 63 of the Louisiana Constitution of 1921. That no serious law enforcement is available to the citizens of Iberia Parish, Louisiana, in Louisiana courts, plus the fear from the Sheriff or District Attorney creating false

charges against any citizen who dares insist on honest clean government, by the officials of power.

That the Sheriff and District Attorney have certain controls upon the Iberia Parish Police Jury members, including the present Vice-President of the Police Jury who is also a paid Deputy Sheriff, Juror Roy Labauve, who openly gambles at various gambling establishments publicly. That the sheriff has numerous deadheads on his payroll in addition to getting large sums of money from the Iberia Parish Police Jury.

Also, that because of the political power machinery created by Sheriff Gerard H. Wattigny and Knowles M. Tucker, the District Attorney, the public school system is in great danger. A look at the official college records show that 32% of all graduates from the New Iberia High School who took the Biological Sciences failed to make a grade upon which they could receive a degree. 38.5% of those graduates of New Iberia High School who took Chemistry failed to make a grade upon which they could receive a degree. 30% of those graduates from New Iberia High School who took English failed to make a grade upon which they could receive a degree, 47% of those students who took math failed to make a grade upon which they could get a degree. 40% of those students who took Social Studies failed to make a grade upon which they could receive a degree. These are students who entered Southwestern University at Lafayette, Louisiana, from the New Iberia High School. A photostat of the compilation of grades earned by graduates is attached hereto marked exhibit 21 for the purpose of identification; which is made a part hereof.

That much loose spending exists in the Iberia Parish School System. That your petitioner was a candidate for the office of School Board Member from the 6th Ward of Iberia Parish, Louisiana, in the July 28th Democratic Primary Election, 1962. That the results were reported to the Clerk of Court by the Commissioners as follows: LeRoy S. Aucoin received 1,671 votes, John J. Bardgette received 811 votes, Maurice Bergerie received 95 votes, Louis D. Broussard received 386 votes, Carolyn S. (Mrs. Robert) LeWald received 1,371 votes, Warren J. "Puggy" Moity received 561 votes and Norman H. Watson received 412 votes.

Petitioner moves this Honorable Court to show that these results were erroneous. That reliable information shows that LeRoy S. Aucoin received 671 votes, John J. Bardgette received 2,011 votes, Maurice Bergerie received 95 votes, Louis D. Broussard received 186 votes, Carolyn S. (Mrs. Robert) LeWald received 471 votes, Warren J. "Puggy" Moity received 1,661 votes and Norman H. Watson received 212 votes. That your petitioner was entitled to and should have entered the Second Democratic Primary Election with John J. Bardgette, violating the constitutional rights of your petitioner.

Petitioner alleges that such charges strike at the very foundation of our government and the great Democratic principles upon which we operate to maintain our freedom and democracy.

Petitioner attaches hereto and makes a part hereof official photostats of the returns in said election marked

exhibit 23 for the purpose of identification which is made a part hereof.

Petitioner also attaches hereto and makes a part hereof a copy of the book entitled "WHAT YOU SHOULD KNOW ABOUT RIGGING VOTING MACHINES," marked exhibit number 24 for purpose of identification.

Petitioner avers and shows that he has consistently tried to seek assistance from both the legal and legislative and executive branches of the parish and state government including the Louisiana Supreme Court which on September 26th, 1962, refused to grant relief to your petitioner saying petitioner's application contained no justification for original jurisdiction and the only avenue available to your petitioner is the United States Supreme Court. That all other remedies available to your petitioner have been exhausted.

ARGUMENT OF REASONS RELIED UPON FOR THE ALLOWANCE OF THIS WRIT OF CERTIORARI

The Louisiana Supreme Court on September 26th, 1962 refused to grant writs of relief prayed for and all judgments of the Louisiana Supreme Court are reviewable by the United States Supreme Court, 28 U.S.C. SECTION 1257 (3) and Rule 19 of the United States Supreme Court Part (1-A).

Petitioner has continually tried to seek redress from the local, District and State level but without avail. It is impossible to get local relief if it is not accepted. All area of local law enforcement has completely broken down.

That petitioner exhausted all other remedies. The rights guaranteed citizens under the United States Constitution and the Constitution of Louisiana are being completely ignored. Your petitioner is being deprived of the due process and equal protection clauses of the Fourteenth Amendment. The state uses its executive and judiciary to prevent citizens and taxpayers from demanding that the elected public officials are chosen by a majority of its duly qualified voters by secret ballot and the right to have the ballot counted honestly and impartially. That without a public hearing, where witnesses can be placed under oath and the truth forced to be brought forward, the ends of justice cannot be served. To permit such injustices would be to waive our Democratic principles of freedom and democracy, therefore certiorari should issue.

Without evidence being permitted to be brought forward, a citizen and tax payer under the circumstance has no protection whatsoever against the collusion between public officials who choose to be corrupt and have wide open disregard for the rights of the citizens and taxpayers. The only way to prevent this is by using the right granted a citizen to a public hearing under state law.

That unless there is an area of forcing public officials who openly violate the law to face criminal prosecution the same as other law violators, the rights of citizens and taxpayers have vanished. That the only area available to your petitioner under the circumstances is via way of a public hearing in order that the truth and facts are brought out in the open under oath. That under Article 7

Section 10 of the Constitution of Louisiana, when local law enforcement, the District Judges, the District Attorney, the Attorney General of the State of Louisiana fail, the Supreme Court of the State of Louisiana has original jurisdiction as is shown from this petition and the accompanying exhibits, and that no other recourse is available to citizens and taxpayers and particularly to your petitioner other than by way of application for writs of certiorari to the United States Supreme Court.

That the rights of citizens to demand honest, fair and impartial law enforcement which is paid for with tax money of citizens is not unjust and unreasonable. That the First Amendment of the United States Constitution gives citizens freedom of mind the same security as freedom of conscience. That no state has a right to prevent a citizen and taxpayer from redress. That the only available means to your petitioner is by this application for writs of certiorari, in that no state shall deprive any person of his property or liberty without due process of law as provided in the Fourteenth Amendment to the United States Constitution. To prevent petitioner from having an open hearing is to prevent petitioner from being heard and having his day in court.

It is most important that the Fifteenth Amendment to the United States Constitution, which provides that every citizen has a right to vote and have that vote counted, be enforced. Accordingly, if your petitioner's votes were not counted honestly, how could the Court fail to allow your petitioner to be heard by denying to your petitioner his just right to have a public hearing? This is the only way the

truth and rights of citizens can be brought forward, therefore certiorari should issue herein.

One of the most important factors in this case is provided for in Article 1, Section 1 of the Louisiana Constitution which says:

"ARTICLE 1—BILL OF RIGHTS"

> "1. All government, of right, originates with the people, is founded on their will alone, and is instituted solely for the good of the whole. Its only legitimate end is to secure justice to all, preserve peace and promote the interest and happiness of the people."

NOW, how can part 1 of the BILL OF RIGHTS be maintained as meaningful if a citizen and taxpayer is denied his rights to have his day in court and be heard. That is, if justice is to prevail. Therefore your petitioner is entitled to writs of certiorari.

It is crystal clear, that under Louisiana Law, Louisiana Revised Statute 15:17; subject to the supervision of the Attorney-General, the District-Attorney and no one else has full charge as to who he shall or shall not prosecute. When a District Attorney's father-in-law is an admitted deadhead on the Iberia Parish Sheriff's payroll, as is fully shown by exhibit number 19, a part of this record, HOW can justice be impartially and fairly administered? It is only reasonable to say it is impossible, especially when it is a known fact that the District-Attorney personally is violating the law by getting drunk and causing

wrecks and property damage, using sheriff cars and deputies to carry him around, all in violation of Article 7, Sections 20 and 63 of the Louisiana Constitution. It is clearly shown by Section 19 of Article 7 of the Louisiana Constitution that the District-Attorney shall be allowed at all times to appear before the grand jury; is it unreasonable to feel the District-Attorney would not give any information to a grand jury which would give that jury reason to indict him? Sections 56, 18, 19, and also Section 20 clearly shows that with the Distict-Attorney resisting you, it is impossible to get results in criminal prosecutions, especially against the Sheriff and that District-Attorney. Therefore, the only area of hope is via a public hearing in order that justice may prevail. That this Honorable Court has the power of review.

The only area now available to your petitioner is via applications for writs of certiorari to the United States Supreme Court, which should be granted petitioner.

The jurisprudence of long standing has always been:

"Due process of law and equal protection of law are had when the laws affects alike all persons similarly situated."

To deny a citizen from having his day in court because it affected the Sheriff and District-Attorney of a parish (county), certainly could not spell out due process of law and equal protection of law. See *Scott v. City of West Monroe*, App. 1957, 95 So. (2d) 343.

It should also be clearly shown and considered that:

"Though a law itself be fair on its face, yet, if it is applied and administered by public authority with an unequal hand so as practically to make unjust and illegal discriminations between persons in similar circumstances material to their rights, the denial of equal justice is within prohibition of this section."

Simmons v. City of Shreveport, 1952, 221 La. 902, 60 So. (2d) 867.

Now if public officials or their employees are allowed to beat up citizens, merely because they are Negroes who cannot defend themselves, then how can such laws be administered equally? If the public money is allowed to be used as shown by exhibit 19 how could the laws be administered by such a District-Attorney and Sheriff equally?

"The right of equal protection of the laws mean that every one is entitled to stand before the law on equal terms and to enjoy the same rights as belong to, and to bear the same burdens as are imposed upon others in a like situation."

If the District-Attorney or the Sheriff has a violation to report, they can report it to themselves or the Grand Jury. A citizen and/or taxpayer who has a violation against the public officials as presently administered in Iberia Parish, without the power to require a public hearing under the law, is powerless and at the mercy of the public officials all in violation of the equal protection clause. (See Vol. II, American Jurisprudence, 1095):

"A constitutional right is a right guaranteed to

the citizens by the Constitution and so guaranteed as to prevent legislative interference with that right."

Delaney v. Plunkett, 146 Ga. 547, 91 S.E. 561, L.R.A. 1917D, 926, Ann. Cas. 1917 E. 685.

"Thus, the right cannot be imposed on or destroyed under the guise of being regulated."

Tony v. State, 141 Ala. 120, 37 So. 332, 67 L.R.A. 286, 109 Am. St. Rep. 23, 3 Ann. Cas. 319;

People v. Victor, 287 Mich. 506, 283 Nev. 666, 124 A.L.R. 316.

Vol. 11, American Jurisprudence, Pocket 1093, Note 6, the court said:

"And it is the duty of the courts to be vigilant and vigorous in protecting individuals as well as minority and majority groups against encroachment upon their fundamental liberties which are more consequential than any object to be attained by business or professional regulations."

Porterfield, 28 Cal. (2d) 91, 168 P. (2d) 706, 167 A.L.R. 675, P. 193, N. 7;

State, ex rel. Ricco v. Biggs, 198 or 413, 255 P. (2d) 1055, 38 A.L.R. (2d) 720, P. 193, N. 8;

State, ex rel. Ricco v. Biggs, 198 or 413, 255 P. (2d) 1055, 38 A.L.R. (2d) 70, P. 1093, N. 10.

It must be remembered that in Volume 11, American Jurisprudence, Pocket 1097:

> "The First Amendment gives freedom of mind the same security as freedom of conscience. The grievances for the redress of which the right of petition and assembly is insured under the First Amendment of the United States Constitution are not solely religious or political ones, but include economic grievances. 2051.

It must also be noted:

> "Every constitutional right or privilege must be enjoyed with such limitations as are necessary to make its enjoyment by each consistent with like enjoyment by all, for the right of all is superior to the right of any one.
>
> *Porter v. Rich*, 70 Conn. 235, 39 A. 169, 39 L.R.A. 353.

Vol. 11, American Jurisprudence, 1121, Section 326:

> "In most of the state constitutions there are provisions, varying slightly in terms, which stipulate that justice shall be administered to all without delay or denial, without sale or prejudice, and that the courts shall always be open to all alike."
>
> *Brotherhood of R. Trainmen v. Barnhill*, 214 Ala. 565, 108 So. 457, 47 A.L.R. 270.

That it would be impossible for courts to be open to all alike if your petitioner be denied to be heard, therefore, writs of certiorari should issue herein.

FINALLY:

These provisions are based largely upon the Magna Charta, Chapter 40, which provides:

> "We will sell to no man, we will not deny to any man, either justice or right."
>
> *Henderson v. State*, 137 Ind. 552, 36 N.E. 257, 24 L.R.A. 469.

The chief purpose of the Magna Charta provision was to prohibit the King from selling justice by imposing fees on litigants through his courts.

> *Lee*, 64 Okla. 310, 168 P., 53 L.R.A. 1918B, 144.

Further, it is said:

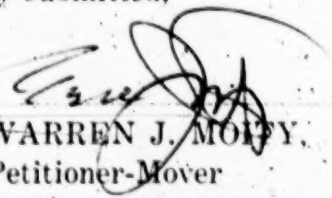
> "A constitutional provision guaranteeing to residents of the state the right to resort to the courts on equal terms with others."

THEREFORE, PETITIONER SUBMITS FOR THE COURTS CONSIDERATION; That to deprive petitioner of a public hearing whereby the facts can be brought out in the open which shall clearly show that the administration of justice in IBERIA PARISH, LOUISIANA, has bogged down, and does justify original jurisdiction, that the rights guaranteed a citizen under the Constitution of both the State of Louisiana and the Constitution of the United States are in great danger unless this Honorable Court grants petitioner's application for writs of certiorari and upon final proceedings had, the relief prayed for.

WHEREFORE, petitioner prays that this petition be granted and that a writ of certiorari issue, directed to the SUPREME COURT OF THE STATE OF LOUISIANA, commanding that Court to certify and send to this Honorable Court, for its review and determination, a full and complete transcript and record of all proceedings in the cause entitled IN RE: WARREN J. MOITY, APPLICATION FOR RELIEF AGAINST ELECTION FRAUD, COLLUSION BETWEEN PUBLIC OFFICIALS CREATING MISUSE OF PUBLIC MONEY, BRUTALITY OF CITIZENS AND LAWLESSNESS, BY OFFICIALS OF IBERIA PARISH, AS PROVIDED FOR IN THE CONSTITUTION OF THE STATE OF LOUISIANA AND THE UNITED STATES CONSTITUTION, BEARING DOCKET NUMBER 46,339 of the docket of the SUPREME COURT OF THE STATE OF LOUISIANA, to the end that the judgment and opinion of said Court may be reversed by this Honorable Court and the relief prayed for fully granted.

Petitioner further prays for such other and further relief in the premises as may seem proper and just.

Respectfully submitted,



WARREN J. MOITY,
Petitioner-Mover
Appearing in proper person
Route 2, Box 296 K
New Iberia, Louisiana

CERTIFICATE

I, THE UNDERSIGNED PETITIONER, APPEARING HEREIN IN PROPER PERSON, certify that I have served a copy of the foregoing petition upon the Honorables Jack P. F. Gremillion, Gerard H. Wattigny, Knowles M. Tucker, Honorables Ward L. Tilly, Honorable Edmond L. Guidry, Honorable Douglas Fowler, Honorables S. O. Landry, LeRoy S. Aucoin, John J. Bardgette, Maurice Bergerie, Louis D. Broussard, Carolyn S. (Mrs. Robert) LeWald, Norman H. Watson, Honorable Edward LaSalle, Clerk of Court, and the Clerk of the Louisiana Supreme Court, New Orleans, Louisiana.

New Iberia, Louisiana, October 11th, 1962.

WARREN J. MOITY